



Signed and Filed: May 13, 2024

*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re: ) Bankruptcy Case  
PG&E CORPORATION, ) No. 19-30088-DM  
- and - ) Chapter 11  
PACIFIC GAS AND ELECTRIC COMPANY, ) Jointly Administered  
Reorganized Debtors. )  
☐ Affects PG&E Corporation )  
☐ Affects Pacific Gas and )  
Electric Company )  
☒ Affects both Debtors )  
\* All papers shall be filed in )  
the Lead Case, No. 19-30088 (DM). )

**ORDER ON DISCOVERY DISPUTE**

The court has reviewed the letter briefs submitted on May 3 by counsel for Komir and May 10 by counsel for PG&E. This is the ruling on those disputed discovery matters.

Despite the argument by PG&E that non-expert discovery has closed, there appears to be a changing of position by PG&E that justifies a limited reopening.

1 The company's position has moved from Komir's land being  
2 subject to a recorded easement, to a prescriptive easement, to a  
3 consensual one, and now back to a prescriptive one again. The  
4 parties will recall that after the court rejected the consensual  
5 easement theory, the focus was on events in 2018, and the  
6 court's rejection of the argument about a prescriptive easement  
7 after that. The oral ruling on the second motion for summary  
8 judgment explained the situation. See Dkts. 14261 (Order);  
9 14263 (audio); 14264 (transcript).

10 The Komir position was consistent with a consensual  
11 easement beginning before it acquired the property from the  
12 Hildebrands, an easement that ceased being consensual when it  
13 objected to the relocation of the towers in 2018.

14 Now PG&E advocates a prescriptive easement going further  
15 back, an issue that justifies reopening fact discovery in a  
16 limited manner.

17 For these reasons, the court will permit a deposition of  
18 Ms. Brayton, limited to the two hours Komir requests, but  
19 subject to a proper subpoena of her unless she consents  
20 otherwise.

21 The court will also direct Komir to receive and review all  
22 of the documents referred to Exhibit A to Mr. Jacobson's May 3  
23 letter before the deposition of Mr. Raines. For the depositions  
24 of Mr. Galicia and Mr. Sosinski, they do not need to produce  
25 what they did not review or relied on, although they can be  
26 required to confirm what they did and did not review and/or  
27 relied on.

1       The objections by PG&E to the depositions of Mr. Schuch and  
2 Mr. Johnsrud are well-taken and Komir's request as to them is  
3 DENIED.

4                   **\*\*END OF ORDER\*\***

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ECF Recipients